

IN THE UNITED STATES DISTRICT COURT

FILED
UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

SEP 29 2007

JOHN PADILLA,

Applicant,

v.

CIV-06-0881 MV/LAM

GEORGE TAPIA, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (Doc. 12)**

THIS MATTER is before the Court on the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 12), filed on June 21, 2007. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 12), grant Respondents' *Motion to Dismiss the Application for Writ of Habeas Corpus With Prejudice* (Doc. 7), deny Applicant John Padilla's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody* (Doc. 1) as without merit, and dismiss this case with prejudice.

IT IS THEREFORE ORDERED that the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 12) are ADOPTED by the Court.

IT IS FURTHER ORDERED that Respondents' *Motion to Dismiss the Application for Writ of Habeas Corpus With Prejudice* (Doc. 7) is GRANTED and Applicant John Padilla's

Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Doc. 1) is **DENIED** as without merit.

IT IS FURTHER ORDERED that a final judgment dismissing this case and all of Applicant John Padilla's claims, with prejudice, be entered concurrently with this order.

IT IS SO ORDERED.



HONORABLE MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE